

Application Details	
Application Reference Number:	12/24/0004
Application Type:	Full Planning Permission
Earliest decision date:	05 April 2024
Expiry Date	08 May 2024
Extension of time	
Decision Level	Delegated Decision
Description:	Change of use and extension of public house, beer store and skittle alley into 10 bedroom inn for holiday let use at The White Hart, Pitminster Road, Corfe
Site Address:	THE WHITE HART INN, PITMINSTER ROAD, CORFE, TAUNT ON, TA3 7BU
Parish:	12
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
National Landscape (AONB):	Blackdown Hills
Case Officer:	Mr G Clifford
Agent:	
Applicant:	CORFE ESTATES LTD
Committee Date:	
Reason for reporting application to Committee	N/A

## 1. Recommendation

### 1.1 Refusal

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal is considered contrary to policy with the loss of a community facility without justification, the adverse impact of the proposal on the character of the area and amenity of neighbours, the potential adverse impact on wildlife and potential adverse impact of phosphates.

## 3. Planning Obligations and conditions and informatives

### 3.1 Conditions (full text in appendix 1)

None

### 3.2 Informatives (bullet point only) \_

#### 3.2.1 Proactive Statement

### 3.3 Obligations

None

## 4. Proposed development, site and surroundings

### 4.1 Details of proposal

The proposal is to convert and extend the public house into the beer store to provide 10 letting bedrooms for holiday use with 5 bathrooms, an ensuite and a separate shower room. On the ground floor there is a lounge, kitchen/diner, games room and cinema room. The skittle alley is retained as a leisure building and the car park is to be altered to provide 8 spaces.

### 4.2 Sites and surroundings \_

The site lies within the village of Corfe adjacent to the road junction to Pitminster and consists of a rendered and stone two storey public house with a detached store to the west and a single storey skittle alley to the rear projecting into the car park to the south.

## 5. Planning (and enforcement) history

None

Reference	Description	Decision	Date

## 6. Environmental Impact Assessment

Not required

## 7. Habitats Regulations Assessment

The proposed development would result in a potential increase in phosphate load within the catchment of the Somerset Levels and Moors and as such would potentially be harmful to the Ramsar site and no mitigation has been put forward.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 14 March 2024

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 20 March 2024

8.5 **Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
CORFE PARISH COUNCIL	Loss of pub, a community asset, not sustainable development as no services for transient visitors, no need, will cause noise and disturbance to neighbours, no community engagement, no detail of phosphate impact, DM2 not relevant, AONB impact, impact on protected species and contrary to development plan.	10.1.1 10.1.6 10.1.11 10.1.8 10.1.5 10.1.8 10.1.1
SCC - TRANSPORT DEVELOPMENT GROUP	Comments to follow	10.1.4
SCC - ECOLOGY	Assessment of the site including photos required.	10.1.8
WESSEX WATER	No comments received	
LANDSCAPE	No landscape objections but cycle parking should be secure and sheltered	
BLACKDOWN HILLS AONB SERVICE	Attention should be given to noise and activity arising from developments together with lighting to avoid having an adverse impact on the area's tranquillity and dark skies. This is an important point - the effect on the AONB and the local community goes beyond the physical conversion of this property: the introduction of holiday accommodation of this scale and this nature by virtue of the intensification of use and the associated noise, activities and comings and goings of visitors has the potential to have a detrimental impact on the character of the local area, tranquillity of the surroundings and	10.1.5 and 10.1.6

	would be bound to generate a number of car based journeys as people would need to travel to access activities, attractions and even the most basic of facilities and services.	
SOMERSET WASTE PARTNERSHIP SOMERSET WILDLIFE TRUST	No comments received  Object strongly without ecological impact assessment	10.1.8
ECONOMIC DEVELOPMENT	No comments	

## 8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

34 number of letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
No justification for need	10.1.11
Scale of holiday use unsuitable	10.1.5
First floor link is out of character	10.1.3
No local facilities	
Car reliance and not sustainable as would increase need to travel	10.1.1
Loss of pub contrary to CP3	
Loss of community asset	
Link hinders third party access	
Increased pollution	
Noise and disturbance with large groups	10.1.6
adverse impact in AONB	10.1.5
No control over noise and traffic movements	10.1.6
Concern over school children's safety	10.1.11
Loss of school pick up point	
Protected species impact eg bats	10.1.8
Traffic increases hazard	
No benefits	
Loss of privacy	
Lack of parking	10.1.4
Will lead to off road parking and highway obstruction	

Impact on youth unemployment	10.1.11
No community engagement	
Phosphate impacts	10.1.8
Support	Officer comment

## 9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

SD1 - Presumption in favour of sustainable development,  
 SP1 - Sustainable development locations,  
 CP1 - Climate change,  
 CP3 - Town and other centres,  
 CP4 - Housing,  
 CP6 - Transport and accessibility,  
 CP8 - Environment,  
 DM1 - General requirements,  
 DM4 - Design,  
 DM5 - Use of resources and sustainable design,  
 A1 - Parking Requirements,  
 A5 - Accessibility of development,  
 C4 - Protection of community facilities,  
 D7 - Design quality,  
 D8 - Safety,  
 ENV1 - Protection of trees, woodland, orchards and hedgerows,  
 ENV2 - Tree planting within new developments,  
 I4 - Water infrastructure,

Blackdown Hills AONB Management Plan 2019-2024  
PD2 - Planning and development  
RET3 - Economy and tourism  
LC3 - Landscape character  
CC3 - Supports retention of community facilities and services

#### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

#### Neighbourhood plans:

None

#### 9.1 National Planning Policy Framework

Sections 2, 4, 5, 11, 12, 14 & 15

### **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

#### 10.1.1 The principle of development

The site lies within the village of Corfe which is an identified village and under policy SP1 and with settlement boundaries retained, development of small scale proposals within settlement limits will be allowed. Therefore in principle holiday accommodation within the settlement would be acceptable and could be conditioned as such. That said the development of the site has to be assessed against other policies of the development plan. Specifically the loss of a pub facility has to be considered in light of policies CP3 of the Core Strategy and C4 of the Site Allocations and Development Management Plan(SADMP). CP3 states that proposals which would result in the loss of such services will not be permitted where this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision. The proposal would see the loss of a local facility and result in increased car travel as a consequence. Policy C4 requires evidence to demonstrate no community need, the facility is no longer financially viable, or it could not be put to another community use. These requirements were set out in pre-application advice and no evidence has been submitted with the application. In light of the local objection to the scheme and the clear non-compliance with these policies the proposed conversion and loss of the public house fails the policy test.

#### 10.1.2 Heritage

The site lies outside of the conservation area and while not listed can be considered a non-designated heritage asset. The proposed conversion would see the retention and conversion of the main buildings on site.

#### 10.1.3 Design of the proposal

The proposal utilises the existing buildings and the majority of the works are internal. The exception is the first floor link proposed between the main building and store. This takes the form of a narrow 1.6m wide corridor between the two buildings set around 2.6m above ground level. It is not considered that this is totally out of character. The materials of the external link are not specified, although they could be conditioned if all other matters were to be acceptable.

#### 10.1.4 Access, Highway Safety and Parking Provision

The proposed scheme sets out to provide 10 letting bedrooms within the existing building and provides 8 parking spaces set out within the current parking area for the pub. Although this is less than 1 per room, given the nature of the accommodation for holiday purposes it not unusual that you would get more than two people occupying a vehicle. In light of the parking standards set out in policy A1 it is not considered that the parking falls contrary to policy to warrant an objection. The proposal utilises the existing access to the highway which already has limited visibility due the position of the buildings and the existing boundary hedge. It is not considered reasonable to object on this basis given the long standing use of the access by numerous vehicles that would have used the pub car park. The layout maintains adequate turning space and maintains the access through for the existing properties to the south.

#### 10.1.5 The impact on the character and appearance of the locality

The use would see the building used for holiday purposes with people coming and going from the site during the day. Such movements are not dissimilar to those of the public house in the Blackdown Hills National Landscape. Clearly the letting of 10 bedrooms is an increase over the overnight accommodation in the property and stag or hen parties could give rise to noise and disturbance to local residents and the development is a scale out of character with existing properties in the area. Tranquility is a valued feature of the National Landscape here and development of this scale may well harm the biodiversity and tranquility of the area contrary to RET3 of the Blackdown Hills Management Plan.

#### 10.1.6 The impact on neighbouring residential amenity

There is no suitable planning control over the use proposed, other than limiting it to holiday purposes, and the question remains would the use of the new holiday lets into the evening generate more disturbance than the public house could. A public house however is governed by closing times and a licence which a holiday let use is not. Consequently there is scope for noise and disturbance well into the evening given the scale of the property and the property lies adjacent to existing dwellings. On this basis it is not considered that the use is a suitable one that can be adequately controlled and could give rise to detrimental impacts contrary to policy DM1e.

#### 10.1.7 The impact on trees and landscaping

There is no significant vegetation on the existing site and the development would allow for new planting in both the front of the pub, the rear garden as well as the altered parking area. This could be conditioned and would satisfy the requirements

of policy ENV2.

10.1.8 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The Ecologist has recognised that a preliminary bat roost and bird survey is required to ensure there is no harm to protected species. This was conveyed to the applicant but no survey has been forthcoming and the impact on protected species cannot be adequately assessed and the development is therefore resisted on this basis and being contrary to policy CP8 of the Core Strategy. In addition the development lies within the catchment of the Somerset Levels and Moors where Natural England has precluded new development that has a phosphate impact to avoid further damage to the Ramsar site. No evidence has been put forward as part of the submission demonstrating nutrient neutrality or a suitable phosphate mitigation strategy and on this basis the development fails to comply with policy CP8.

10.1.9 Waste/Recycling facilities

Provision for waste and recycling are provided partially within the property as well as a walled external bin storage area being provided adjacent to the road.

10.1.10 Flood risk and energy efficiency

The site does not lie within a flood risk area and a condition to secure adequate disposal of surface water could be attached to any approval. The re-use of the existing buildings with improved insulation will enhance energy efficiency. A condition could be imposed on any approval to ensure measures to satisfy the climate change emergency and policy DM5.

10.1.11 Any other matters

While an objection has been made on the basis of a lack of community engagement, this is not a reason to refuse the development. There is also no requirement to demonstrate need for a use within the settlement limit. The loss of the public house may impact on local employment more so than the proposed use, however this is not of a scale to weigh heavily in the decision process. It is not clear whether the development as proposed would result in the loss of the school pick up point or impact on children's safety and while a concern this is not considered a reason to refuse the development.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

Creation of holiday lets is CIL liable regardless of size.

This proposed development measures approximately 345 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £43,250.00. With index linking this increases to approximately £70,000.00.



## 12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole. In this instance the site lies in a National Landscape and the development is likely to result in an increase in phosphates that would damage the Levels and Moor Ramsar site. Furthermore there is a lack of evidence of no harm to protected species and the development would adversely impact on the character of the area and the amenity of neighbours contrary to policy DM1. In addition and importantly the development would result in the loss of a public house, a community facility, with no evidence of viability or marketing and the loss would be contrary to policies CP3 of the Core Strategy and C4 of the SADMP

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.



## Appendix 1 – Reason/s for Refusal

- 1 The proposal will result in the loss of a community facility, being the only pub in the village and no evidence has been put forward to address policy C4 of the Site Allocations and Development Management Plan which it is therefore considered contrary to as well as policy CP3 of the Taunton Deane Core Strategy.
- 2 The proposal provides insufficient information to ensure there is no harm to wildlife and protected species as a result of the development and consequently this may be harmful, contrary to policy CP8 of the Taunton Deane Core Strategy which seeks to protect habitats and species, expand biodiversity and provide necessary mitigation, and is not in line with Section 15 of the NPPF.
- 3 The proposed development has the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. In the absence of sufficient technical information evidencing the level of phosphates generated by the development, and sufficient mitigation measures, if any, to demonstrate that phosphate neutrality can be achieved, the Local Planning Authority, through an appropriate assessment, is unable to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Ramsar site. Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the Ramsar site, subject to the exceptional tests set out in Regulation 64. As it cannot be ascertained that the proposal will not adversely affect the integrity of the Ramsar site, and as the exceptional tests in Regulation 64 do not apply, the Local Planning Authority cannot permit the proposal.

The proposal is therefore not in accordance with Policies CP8 (Environment) and DM1c (General requirements) of the adopted Taunton Deane Core Strategy and Paras. 185 -188 of the NPPF as there is the potential for the proposed development to result in adverse effects on the Somerset Level and Moors Ramsar site.

- 4 The proposal by reason of the scale of the use could give rise to undue noise and disturbance that cannot be adequately controlled and could lead to detrimental impacts on the amenity of neighbours contrary to policy DM1e of the Taunton Deane Core Strategy and contrary to RET3 of the Blackdown Hills AONB Management Plan.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

